

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
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SAN JOSE, CA 95150-0013

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## Trustee for Debtor

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In Re: ) Chapter 13  
VAL WOLFE ) Case No. 19-52457 HLB  
Debtor ) **MOTION TO DISMISS CASE WITH  
DECLARATION IN SUPPORT AND  
CERTIFICATE OF SERVICE**

DEVIN DERHAM-BURK, Chapter 13 Standing Trustee requests the instant case be dismissed for cause, and that the accompanying Dismissal Order be entered.

## **DECLARATION IN SUPPORT OF MOTION**

The above named Debtor is in default under the terms of the confirmed plan. Based upon the default, the Debtor and counsel for the Debtor were served a NOTICE OF DEFAULT IN CHAPTER 13 PLAN AND DEMAND FOR CURE, [hereinafter "NOTICE"], and filed with the court on July 21, 2023. [Doc #129] The NOTICE outlined specific options that, if met within 21 days of the Notice, might allow the Debtor to cure the default and avoid dismissal of the plan.

1 The Debtor failed to respond to the NOTICE in that 1) the Debtor has failed to cure the  
2 default; and 2) has failed to meet and confer with the Trustee and enter into an agreement as  
3 outlined in the Notice; and 3) has failed to file and serve an application or motion resolving  
4 the default. The Debtor remains in default under the terms of the confirmed plan. The  
5 Debtor was noticed that the case would be dismissed forthwith if the Debtor failed to  
6 respond to and act upon the NOTICE and resolve the default. As of the date of this  
7 declaration, the Debtor has failed to act upon the NOTICE. I am the case administrator for  
8 the Trustee. I am responsible for administering the default under this case. I am personally  
9 familiar with the facts stated. I declare under penalty of perjury the foregoing is true and  
10 correct to the best of my knowledge. Executed this date in Los Gatos, California.

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15  
16  
17 Dated: September 08, 2023

/s/ Esmeralda Mejia

18 Office of DEVIN DERHAM-BURK  
19 Chapter 13 Standing Trustee

**CERTIFICATE OF SERVICE BY MAIL**

I hereby declare that I am over the age of 18 years, not a party to the within cause; my business address is 983 University Ave., Bldg. C-100, Los Gatos, CA 95032. I served the within Motion to Dismiss Case with Declaration by placing same in an envelope in the U.S. Mail at Los Gatos, California on September 08, 2023. Said envelopes were addressed as follows:

VAL WOLFE  
320 CARENTAN RD  
SEASIDE, CA 93955

CENTRAL COAST BANKRUPTCY INC  
532 PAJARO ST  
SALINAS, CA 93901

Dated: September 08, 2023

/s/ Esmeralda Mejia

Office of DEVIN DERHAM-BURK  
Chapter 13 Standing Trustee